ACLU Report Doubts Wiretap

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Government wiretapping is far more pervasive and costly, but less legally useful than official figures indicate, an American Civil Liberties Union report contends.

The report asserts that government wiretappers have monitored hundreds of thousands of conversations by tens of thousands of people — "many if not most of whom are quite innocent."

Prepared by Herman Schwartz, a law professor at the state University of New York at Buffalo, the report is to be distributed by the ACLU.

Schwartz used wiretapping figures issued annually by the Administrative Office of the U.S. Courts, but expressed them in totals rather than the averages in the government report.

Thus, while the official report noted that the 583 state and federal listening devices installed in 1970 picked up an average of 44 persons and 655 conversations, Schwartz calculated that this added up to 381,865 conversations by 25,652 persons.

For the 2½-year period since Congress authorized federal wiretapping in 1968, his totals approximate 622,292 conversations by 61,400 persons recorded by 1,001 hidden devices.

"The percentage of convictions per people overheard is so small" as to be virtually neglibible, Schwartz concluded.

According to the annual reports, the number of convictions produced by the wiretapping since 1968 had totaled 257 by last Dec. 31.

Attorney General John N. Mitchell said recently that because of the time lag between arrest and trial, "We have no true correlation as yet between wiretaps and convictions."

The report contended that the cost figures—over $2 million for federal devices and $1 million for states in 1970— "are grossly understated," excluding the man-hours to prepare applications, to keep records and to handle court challenges, the report said.

Schwartz also attacked Justice Department statements on the extent of national security wiretapping — wiretapping without court order that is not included in the annual report totals.

FBI Director J. Edgar Hoover told Congress that there